IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET

FIRST APPEAL NO.1338 OF 2005

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

Mr.S.S.Patwardhan for the Appellant
Mr.V.Choudhari i/b Mr.V.S.Talkute for Respondent Nos.1 to 3.

CORAM: A.S.OKA, J.
DATE : FEBRUARY 22,2007.

P.C.:

1. The Advocates for the parties state that amicable settlement is not possible though they have made several efforts.

2. The impugned order has been passed on an Application for grant of Succession Certificate under section 372 of the Indian Succession Act, 1925. In view of the decision of this court in case of Vitthal R. Mali and others Vs. Laxmi G. Mali and others reported in (2006) 4 Bombay Cases Reported page 31, this Appeal is maintainable in the appropriate District Court. This Appeal is pending in this Court right from the year 2005 and

therefore, instead of returning the Appeal for presentation to the appropriate District Court, the same shall be transferred to the appropriate District Court for hearing and final disposal.

3. Office is directed to transfer the Memorandum of Appeal along with all its accompaniments as well as Civil Application to the appropriate District Court for hearing and final disposal.

JUDGE